

Best Available Copy



Applicants: SALA *et al.*

Due Date: None

Art Unit: 2663

Examiner: Nguyen, C.

Docket: 1875.0440002

Atty: RES/KPP

Application No.: 09/783,404

Filed: February 15, 2001

For: Method, System and Computer Program Product for Scheduling Upstream Communications

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. Supplemental Information Disclosure Statement (IDS);
3. List of cited documents on Form PTO-1449 (2 sheets);
4. A copy of each document cited on Form PTO-1449 (8 documents); and
5. One (1) return postcard.



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May 28, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit 2663

Re: U.S. Utility Patent Application
Appl. No. 09/783,404; Filed: February 15, 2001
For: **Method, System and Computer Program Product
for Scheduling Upstream Communications**
Inventors: SALA *et al.*
Our Ref: 1875.0440002

Sir:

Transmitted herewith for appropriate action are the following documents:;

1. Supplemental Information Disclosure Statement (IDS);
2. List of cited documents on Form PTO-1449 (2 sheets);
3. A copy of each document cited on Form PTO-1449 (8 documents); and
4. One (1) return postcard.

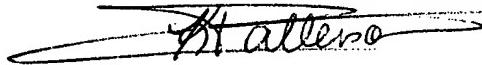
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
May 28, 2003
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Kendrick P. Patterson
Attorney for Applicants
Registration No. 45,321

RES/KPP/acr
Enclosures

SKGF_DC1:137068.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

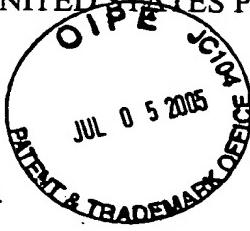
In re application of:

Sala *et al.*

Appl. No. 09/783,404

Filed: February 15, 2001

For: **Method, System and Computer
Program Product for Scheduling
Upstream Communications**



Confirmation No. 4785

Art Unit: 2663

Examiner: Chau T. Nguyen

Atty. Docket: 1875.0440002

Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this

Information Disclosure Statement was cited in a communication from a

foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

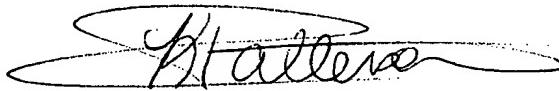
- c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The documents were cited in various search reports by foreign patent office in counterpart foreign applications. Copies of the search reports are enclosed as documents AS2, AT2 and AR3 on the attached PTO-1449 Form.
6. A concise explanation of the relevance of the non-English language document(s) appears below:
7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

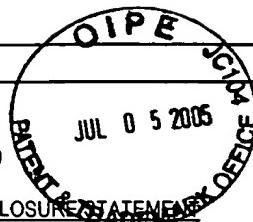


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Date: May 28, 2003

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SKGF_DC1:121811.1



FORM PTO-1449

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1875.0440002APPLICATION NO.
09/783,404APPLICANT
*Sala et al.*FILING DATE
February 15, 2001GROUP
2663U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC1	5,631,908	05/1997	Saxe			
	AD1	5,850,400	12/1998	Eames et al.			
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

FOREIGN PATENT DOCUMENTS

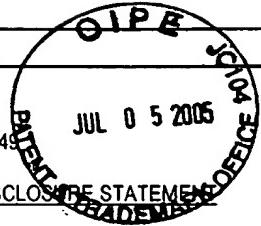
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1	EP 0 844 803 A2	05/1998	Europe	H04Q	11/04	Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	"Radio Frequency Interface Specification SP-RFIV1.1-I02-990731," Data-Over-Cable Service Interface Specifications, July 31, 1999, retrieved from the Internet on October 23, 2001:<URL: http://www.tconl.com/jkleens/DOCSIS.pdf >, pp. i-iv, 132-139 and 291-296.
AS	2	Copy of International Search Report issued November 8, 2001, for Appln. No. PCT/US01/04841, 5 pages.
AT	2	Copy of International Search Report issued September 27, 2001 for Appln. No. PCT/US01/04820, 8 pages.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1448

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1875.0440002APPLICATION NO.
09/783,404APPLICANT
Sala et al.FILING DATE
February 15, 2001GROUP
2663**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	EP 0 912 016 A2	04/1999	Europe	H04L	12/28	Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	3	Copy of International Search Report issued November 8, 2001, for Appln. No. PCT/US01/04904, 4 pages.
	AS	3	
	AT	3	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.